

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

CORRECTED VERSION - 22 April 2005 (22.04.2005)

| | | | | | | | | | | | | | | | | | | | |
|--|---|--|--|---|----------------------|-------------------------------------|----------|--------------------------------------|--|-------------------------------------|----------------------------|---|---|-------------------------------------|-------------------------|--------------------------------------|--|---------------------------------------|---|
| To: G. RONALD BELL & ASSOCIATES P.O. Box 2450, Postal Station D 1215 - 99 Bank Street OTTAWA, Ontario Canada, K1P 5W6 | | PCT WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) | | | | | | | | | | | | | | | | | |
| | | Date of mailing 23 March 2005 (23-03-2005) <i>(day/month/year)</i> | | | | | | | | | | | | | | | | | |
| Applicant's or agent's file reference 3953-001PCT | | FOR FURTHER ACTION See paragraph 2 below | | | | | | | | | | | | | | | | | |
| International application No. PCT/CA2004/002052 | International filing date <i>(day/month/year)</i> 29 November 2004 (29-11-2004) | Priority date <i>(day/month/year)</i> 28 November 2003 (28-11-2003) | | | | | | | | | | | | | | | | | |
| International Patent Classification (IPC) or both national classification and IPC IPC: B63H 16/20, B63H 23/02, B63H 16/08, B63H 35/73 | | | | | | | | | | | | | | | | | | | |
| Applicant JACKSON, REINHARD ERWIN | | | | | | | | | | | | | | | | | | | |
| <p>1. This opinion contains indications relating to the following items :</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p> | | | | <input checked="" type="checkbox"/> Box No. I | Basis of the opinion | <input type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. | <input type="checkbox"/> Box No. VI | Certain documents cited | <input type="checkbox"/> Box No. VII | Certain defects in the international application | <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I | Basis of the opinion | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. II | Priority | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | |
| Name and mailing address of the ISA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476 | | Authorized officer <div style="text-align: center;">Rafal Byczko (819) 956-0502</div> | | | | | | | | | | | | | | | | | |

International application No.
PCT/CA2004/002052

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

[] table(s) related to the sequence listing

[] in computer readable form

[] filed together with the international application in computer readable form.

[] furnished subsequently to this Authority for the purposes of search.

3. [] In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/002052

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | | |
|-------------------------------|--------|---------|-----|
| Novelty (N) | Claims | 1 to 21 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1 to 21 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1 to 21 | YES |
| | Claims | | NO |

2. Citations and explanations :

D1: CA2308263
D2: US4943251
D3: US6165030
D4: US5374206

INDEPENDENT CLAIMS 1 AND 8

- 1.1 The subject matter of independent claims 1 and 8 appears to meet the requirements of Articles 33(2) and (3) PCT for the following reasons:
- 1.2 The closest prior art is D3 which discloses a pedal driven propulsion device comprised of: a propeller assembly, a steering assembly, a drive assembly and a mounting assembly for mounting said device on the gunwales of a watercraft.
- 1.3 The subject matter of claims 1 and 8 differ from the known pedal driven propulsion device in that they additionally define that said propeller assembly is pivot mounted to allow for raising the propeller into an inoperable position substantially parallel to said gunwales.

DEPENDENT CLAIMS 2 TO 7 AND 9 TO 21

2. Claims 2 to 7 and 9 to 21 further define the embodiments of claims 1 and 8 and therefore also appear to meet the requirements of Articles 33(2) and (3) PCT.

INDUSTRIAL APPLICABILITY

3. The subject matter of the claims is obviously industrially applicable within the meaning of article 33(4) PCT.